

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 1, 2003

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JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 1, 2003

The Senate met in regular session at 8:35 a.m., President Kramer presiding.

Prayer was offered by the Reverend Michael Coleman, pastor of the Antioch Baptist Church in Waterloo, Iowa. He was the guest of Senators Dotzler and Larson.

The Journal of Monday, March 31, 2003, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:44 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:50 a.m., President Kramer presiding.

The Senate stood at ease at 8:54 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:17 a.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Black, for the day, on request of Senator Gronstal.

**CONSIDERATION OF BILL
(Appropriations Calendar)**

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 436](#).

[Senate File 436](#)

On motion of Senator Lamberti, [Senate File 436](#), a bill for an act making a supplemental appropriation to the environment first fund from the cash reserve fund and including an effective date, was taken up for consideration.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 436](#)), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Boettger
Bolkcom	Brunkhorst	Connolly	Courtney
Dearden	Dotzler	Drake	Dvorsky
Fraise	Gaskill	Gronstal	Hatch
Holveck	Horn	Hosch	Houser
Iverson	Johnson	Kettering	Kibbie
Kramer	Kreiman	Lamberti	Larson
Lundby	McCoy	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

Black

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

**CONSIDERATION OF BILL
(Regular Calendar)**

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 380](#).

[Senate File 380](#)

On motion of Senator Houser, [Senate File 380](#), a bill for an act relating to funding for nongame wildlife programs by increasing the fees for special natural resources motor vehicle registration plates, was taken up for consideration.

Senator Houser moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 380](#)), the vote was:

Yeas, 40:

Angelo	Beall	Behn	Boettger
Brunkhorst	Dotzler	Drake	Dvorsky
Fraise	Gaskill	Gronstal	Hatch
Hosch	Houser	Iverson	Johnson
Kettering	Kibbie	Kramer	Lamberti
Lundby	McCoy	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Wieck	Zieman

Nays, 9:

Bolkcom	Connolly	Courtney	Dearden
Holveck	Horn	Kreiman	Larson
Warnstadt			

Absent, 1:

Black

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 380 and 436** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 254](#).

[House File 254](#)

On motion of Senator Brunkhorst, [House File 254](#), a bill for an act providing that revenues deposited in the state conservation fund are temporarily exempt from reversion and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Brunkhorst moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 254](#)), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Boettger
Bolkcom	Brunkhorst	Connolly	Courtney
Dearden	Dotzler	Drake	Dvorsky
Fraise	Gaskill	Gronstal	Hatch
Holveck	Horn	Hosch	Houser
Iverson	Johnson	Kettering	Kibbie
Kramer	Kreiman	Lamberti	Larson
Lundby	McCoy	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

Black

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Houser asked and received unanimous consent to take up for consideration [Senate File 383](#).

[Senate File 383](#)

On motion of Senator Kreiman, [Senate File 383](#), a bill for an act relating to the delivery of curriculum via the internet by instructional personnel employed by an accredited postsecondary educational institution under a contract with a school district, was taken up for consideration.

Senator Kreiman offered amendment [S-3113](#), filed by Senator Kreiman, et al., from the floor striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment [S-3113](#) was adopted by a voice vote.

Senator Kreiman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 383](#)), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Boettger
Bolkcom	Brunkhorst	Connolly	Courtney
Dearden	Dotzler	Drake	Dvorsky
Fraise	Gaskill	Gronstal	Hatch
Holveck	Horn	Hosch	Houser
Iverson	Johnson	Kettering	Kibbie
Kramer	Kreiman	Lamberti	Larson
Lundby	McCoy	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

Black

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate File 383](#) and [House File 254](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:10 a.m. until 8:30 a.m. Wednesday, April 2, 2003.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Megan Adams, Mason City — For achieving the highest award for Senior Girl Scouts, "The Gold Award." Senator Ragan (4/1/03).

Ted Chada, Ames — For celebrating your 90th birthday. Senator Quirnbach (4/1/03).

Lloyd "Ike" and Jane Coughenour, Colo — For celebrating your 50th wedding anniversary on April 3, 2003. Senator Iverson (4/1/03).

Richard S. Gibson, Mason City — For achieving the rank of Eagle Scout. Senator Ragan (4/1/03).

Ina Picht, Nevada — For celebrating your 100th birthday on March 29, 2003. Senator Iverson (4/1/03).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 1, 2003, 2:00 p.m.

Members Present: Behn, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Courtney, Gaskill, Houser, Johnson, Putney, Ragan, Seng, Veenstra, and Zieman.

Members Absent: Black and Kibbie (both excused).

Committee Business: Passed HFs 380 and 547 and approved the Governor's appointees.

Adjourned: 2:25 p.m.

ECONOMIC GROWTH

Convened: April 1, 2003, 1:00 p.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, Dotzler, McKinley, Putney, Ragan, Seymour, Stewart, and Veenstra.

Members Absent: Larson (excused).

Committee Business: Passed [HF 329](#) and approved the Governor's appointees.

Adjourned: 1:20 p.m.

LOCAL GOVERNMENT

Convened: April 1, 2003, 11:10 a.m.

Members Present: Gaskill, Chair; Miller, Vice Chair; Quirnbach, Ranking Member; Hatch, Hosch, Houser, Kreiman, McCoy, Rehberg, Seymour, Stewart, and Wieck.

Members Absent: Angelo (excused).

Committee Business: Approved the Governor's appointees.

Adjourned: 11:25 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: April 1, 2003, 1:05 p.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, Wieck, and Zieman.

Members Absent: Black (excused).

Committee Business: Passed [HJR 5](#) and HF's 85, 411, 412, and 516 (as amended). Approved the Governor's appointees.

Adjourned: 1:35 p.m.

RULES AND ADMINISTRATION

Convened: April 1, 2003, 8:30 a.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers.

Members Absent: None.

Committee Business: Passed SCRs 11, 12, 13, and 14 and SRs 24, 25, 26, and 27.

Adjourned: 8:35 a.m.

STATE GOVERNMENT

Convened: April 1, 2003, 11:15 a.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, Tinsman, and Veenstra.

Members Absent: Black (excused).

Committee Business: Approved the Governor's appointees.

Adjourned: 11:40 a.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 28](#), by McKibben, Larson, Boettger, Sievers, Redfern, Veenstra, Wieck, Johnson, Putney, Brunkhorst, Angelo, McKinley, Hosch, Kettering, Seymour, Behn, Lamberti, Shull, Gaskill, Kramer, Drake, Houser, Rehberg, Schuerer, Tinsman, Iverson, Zieman, Lundby, and Miller, a resolution supporting the nomination of federal court of appeals judicial nominee Miguel A. Estrada.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

[Senate File 437](#), by Sievers and Hatch, a bill for an act providing a wind energy production tax credit under the individual and corporate income taxes, the franchise tax, and insurance premiums tax and including an applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

SUBCOMMITTEE ASSIGNMENTS

[House File 455](#)
(Reassignment)

JUDICIARY: Tinsman, Chair; Larson and McCoy

[House File 634](#)

AGRICULTURE: Zieman, Chair; Black and Houser

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: **[HOUSE FILE 380](#)**, a bill for an act providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Behn, Hosch, Fraise, Angelo, Courtney, Gaskill, Houser, Johnson, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, none. Absent, 2: Black and Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 547](#), a bill for an act providing for evidence of financial responsibility filed by commercial pesticide applicators.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3122](#).

Final Vote: Ayes, 13: Behn, Hosch, Fraise, Angelo, Courtney, Gaskill, Houser, Johnson, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, none. Absent, 2: Black and Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH

Final Bill Action: [HOUSE FILE 329](#), a bill for an act relating to site preparation for targeted economic development.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rehberg, Shull, Hatch, Beall, Boettger, Dotzler, McKinley, Putney, Ragan, Seymour, Stewart, and Veenstra. Nays, none. Absent, 1: Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: [SENATE CONCURRENT RESOLUTION 11](#), a concurrent resolution urging the United States Congress to act to remove trade, financial, and travel restrictions relating to Cuba.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE CONCURRENT RESOLUTION 12](#), a concurrent resolution supporting the United Nations' recognition of the Republic of China on Taiwan.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE CONCURRENT RESOLUTION 13](#), a concurrent resolution urging the United States Congress to hold hearings to investigate the impact of mandatory country of origin labeling regulations and to delay the date of compliance with the law.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE CONCURRENT RESOLUTION 14](#), a concurrent resolution urging congressional adoption of a free trade agreement between Taiwan and the United States.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 24](#), a resolution reaffirming Iowa's commitment to freedom and democracy and calling for an end to terrorism.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 25](#), a resolution honoring the town of Troy Mills on its sesquicentennial year.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 26](#), a resolution honoring the City of Mason City on its sesquicentennial year.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 27](#), a resolution honoring the University of Iowa football team and Coach Kirk Ferentz.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

AGRICULTURE

Benjamin Jung – Grape and Wine Development Commission

Jean Eells – State Soil Conservation Committee

Todd Scott – State Soil Conservation Committee

James Tobin – State Soil Conservation Committee

BUSINESS AND LABOR RELATIONS

Benjamin Duehr – Iowa Workforce Development Board

Sarah Falb – Iowa Workforce Development Board

ECONOMIC GROWTH

Robert Bocken – Iowa Economic Development Board
Cynthia Keithley – Iowa Economic Development Board

HUMAN RESOURCES

Terri Craft – Board of Athletic Training Examiners

Thorald Davidson – Board of Behavioral Science Examiners
Barbara O'Rourke – Board of Behavioral Science Examiners
Timothy Ruppert – Board of Behavioral Science Examiners

Michael Bergan – Iowa Empowerment Board
Rebecca Burgart – Iowa Empowerment Board
Elaine Szymoniak – Iowa Empowerment Board
Thomas Wilson – Iowa Empowerment Board
C. Arthur Wittmack – Iowa Empowerment Board

Christine Louscher – Mental Health and Developmental Disabilities Commission

Diane Cardwell – Board of Physician Assistant Examiners
Mara Swanson – Board of Physician Assistant Examiners
Rita Taylor – Board of Physician Assistant Examiners

Kimberly Brangoccio – Prevention of Disabilities Policy Council
James Grover – Prevention of Disabilities Policy Council
Mickey McDaniel – Prevention of Disabilities Policy Council

Annette Bair – Commission on Tobacco Use Prevention and Control
Scott Havens – Commission on Tobacco Use Prevention and Control
Marvin Jenkins – Commission on Tobacco Use Prevention and Control

LOCAL GOVERNMENT

Ann Hutchinson – City Development Board

Richard Heidloff – County Finance Committee
Ben Lacey – County Finance Committee

Mark Monson – Iowa Lewis and Clark Bicentennial Commission

Jacqueline Kibbie-Williams – Mental Health Risk Pool Board (Appointment)
Jacqueline Kibbie-Williams – Mental Health Risk Pool Board (Reappointment)
Andy Nielsen – Mental Health Risk Pool Board
David Van Ningen – Mental Health Risk Pool Board (Appointment)
David Van Ningen – Mental Health Risk Pool Board (Reappointment)

NATURAL RESOURCES AND ENVIRONMENT

Francis Thicke – Environmental Protection Commission
Heidi Vittetoe – Environmental Protection Commission

Richard Francisco – Natural Resource Commission

Cathy Rottinghaus – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Karen Andersen-Schank – Renewable Fuels and Coproducts Advisory Committee

Greg Hayes – Renewable Fuels and Coproducts Advisory Committee

STATE GOVERNMENT

Susan Boe – Accountancy Examining Board

Scott Doll – Alcoholic Beverages Commission

Barbara Martin – Board of Barber Examiners

Michael Powell – Board of Chiropractic Examiners

Diane Puthoff – Board of Chiropractic Examiners

Rachel Dunn – Board of Dietetic Examiners

Daniel Rogers – Iowa Emergency Response Commission

Forrest Holly – Engineering and Land Surveying Examining Board

James Albert – Iowa Ethics and Campaign Disclosure Board

Diane Kolmer – Information Technology Council

Mary Wegner – Information Technology Council

David Redlawsk – IowAccess Advisory Council

David Creighton, Sr. – Investment Board of the IPERS

David Biehl – Landscape Architectural Examining Board

Sally Schroeder – Board of Medical Examiners

Janece Valentine – Board of Medical Examiners

Ruth Ohde – Board of Mortuary Science Examiners

M. Ann Aulwes-Allison – Board of Nursing Examiners

Terry Cooper – State Board of Examiners for Nursing Home Administrators

Daniel Larmore – State Board of Examiners for Nursing Home Administrators

Barbara Scheetz – Board of Optometry Examiners

Helen McNurlen – Board of Physical and Occupational Therapy Examiners

Gerald Jorgensen – Board of Psychology Examiners

Barbara Leestamper – Real Estate Appraiser Examining Board

James Hughes – Real Estate Commission

Douglas Walter – Board of Speech Pathology and Audiology Examiners

Laurel Phipps – Commission of Veterans Affairs

Lorna Burnside – Vision Iowa Board

Libby Slaphey – Vision Iowa Board

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendations for confirmation:

BUSINESS AND LABOR RELATIONS

Michael Trier – Workers' Compensation Commissioner

STATE GOVERNMENT

Cynthia Eisenhower – Director of the Department of Management

Mollie Anderson – Director of the Department of Personnel

Michael Gartner – Chair of the Vision Iowa Board

AMENDMENTS FILED

<u>S-3113</u>	<u>S.F. 383</u>	Keith A. Kreiman Robert E. Dvorsky Bob Brunkhorst Nancy Boettger
<u>S-3114</u>	<u>S.F. 344</u>	Ron Wieck
<u>S-3115</u>	<u>S.F. 344</u>	Ron Wieck
<u>S-3116</u>	<u>S.F. 344</u>	Ron Wieck Richard F. Drake
<u>S-3117</u>	<u>S.F. 344</u>	Ron Wieck
<u>S-3118</u>	<u>S.F. 344</u>	Ron Wieck
<u>S-3119</u>	<u>S.F. 384</u>	Keith A. Kreiman
<u>S-3120</u>	<u>S.F. 344</u>	Ron Wieck
<u>S-3121</u>	<u>S.F. 344</u>	Ron Wieck
<u>S-3122</u>	<u>H.F. 547</u>	Agriculture